

Request For Reconsideration
USSN 09/778,764

REMARKS

Claims 1, 3-6, 8-16 and 18-24 are all the claims pending in the application.

Reconsideration of the application and allowance of all claims are respectfully requested in view of the following remarks.

A central aspect of the invention emphasized in amendments and remarks in earlier prosecution of this application is that the present invention incorporates a reassembly indicator into the control data in such a way as to not increase the amount of control data in the data traffic, whereas the cited prior art (Calvignac) teaches the addition of a trailer byte, which will increase the amount of control data and will therefore not satisfy the language of the present claims.

The examiner addresses this issue in paragraph 1 at Office action. The portions of Calvignac cited by the examiner do not support the rejection. Lines 8-11 of column 9 explain that the packet target 56 in Fig. 14 may be a switch used to rout packets to other destinations. Lines 34-38 of column 5 explain that on trunks that support the preempt/resume protocol, each byte is sent with at least a one-byte trailer. But this is a discussion of sending of the packets *onto* the trunk. This is *after* the *addition* of the trailer byte. Independent claim 1 recites that the data is received from a plurality of prioritized sources, and the “wherein” paragraph at the end of claim 1 recites that the data traffic *as received from said plurality of prioritized sources* includes control data, and the claim then recites that at least one reassembly indicator is incorporated into *said* control data in such a way as to not increase the amount of *said* control data already present in *said* data traffic. There is no suggestion in Calvignac that the one-byte trailer described at

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lines 34-38 of column 5 is already included in the data traffic as received from the prioritized source, as is required in applicant's claim 1. Independent claims 5, 6 and 16 include the same requirement.

The examiner argues that since every packet includes a one-byte trailer, the one-byte trailer is already included in the data traffic. But the examiner has overlooked the language, highlighted in bold face above, that makes it clear that the amount of control data not to be increased is the control data already present in the data traffic as received from the prioritized sources.

When properly understood, it is clear that Calvignac does not teach or suggest the subject matter of applicant's claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

Respectfully submitted,

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Date: March 16, 2007

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